



04-23-07

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PATENTAtty. Docket No. 1135-21 REIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Vladimir A. Stoy, et al. EXAMINER: Alvin J. Stewart  
SERIAL NO.: 10/625,390 GROUP: Art Unit 3738  
FILED: July 23, 2003 DATED: April 20, 2007  
FOR: SPINAL NUCLEUS IMPLANT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Pursuant to Applicants' duty of disclosure, the information listed in the attached form PTO/SB/08B is brought to the attention of the Examiner.

The citation of the listed items is not a representation that they constitute a complete or exhaustive listing of the relevant art or that the references are prior art. The items listed are submitted in good faith, but are not intended to substitute for the Examiner's search. It is hoped, however, that in addition to apprising the Examiner of these particular items, they will assist in identifying fields of search and in making as full and complete a search as possible.

Applicants note that the publication date for the listed item by R. Hudgins, entitled "Development and Characterization of a Prosthetic Intervertebral Disc" is listed, on information and belief, as being August 16, 1999. The publication date was provided by the supplier of the item by a telephone conversation with the undersigned attorney for applicant at tel. no. 1800-521-0600 on April 20, 2007.

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**CERTIFICATION UNDER 37 C.F.R. §1.10**

I hereby certify that this correspondence and any documents referred to as enclosed herewith are being deposited with the United States Postal Service on this date April 20, 2007 in an envelope as "Express Mail Post Office to Addressee" Mail Label No. EV 929 665 766 US addressed to: Box Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 20, 2007

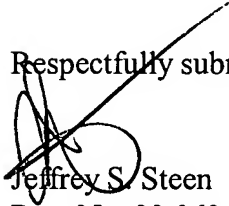
  
\_\_\_\_\_  
Maria Lapitan

The filing of this information disclosure statement is not an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

- [X] Enclosed herewith is a Statement Under 37 C.F.R. §§1.97 (c) (1) and 1.97 (e) (2).
- [X] Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. §1.16 and/or §1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account 50-2140. Also, in the event any extensions of time for responding and/or a petition under 37 C.F.R. §1.17(i)(i) are required for the pending application(s), please treat this paper as a petition to extend the time and/or enter this Information Disclosure Statement as required and charge Deposit Account No. 50-2140 therefor. TWO (2) COPIES OF THIS SHEET ARE ENCLOSED.

The claims of the application as now presented are believed to patentably distinguish over the prior art and to be in condition for allowance. Early and favorable consideration of the case is respectfully requested.

Respectfully submitted,

  
Jeffrey S. Steen  
Reg. No. 32,063  
Attorney for Applicant(s)

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Substitute for form 1449B/PTO

PTO/SB/08b (07-06)

Approved for use through 09/30/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

**Complete if Known**

Application Number	10/625,390
Filing Date	July 23, 2003
First Named Inventor	Vladimir A. Stoy, et al.
Art Unit	3738
Examiner Name	Alvin J. Stewart
Attorney Docket Number	1135-21 RE

Sheet	1
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Attorney Docket Number

1135-21 RE

## NON PATENT LITERATURE DOCUMENTS

[illegible]

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*



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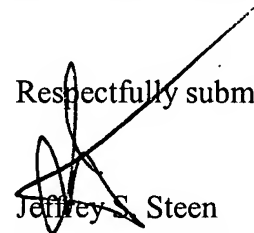
Commissioner for Patents  
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STATEMENT UNDER 37 C.F.R. §§1.97 (c)(1) and 1.97(e)(2)

Sir:

No item of information contained in the accompanying information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in §1.56(c) more than three months prior to the filing of the information disclosure statement.

Respectfully submitted,

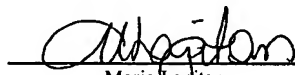
  
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Dated: April 20, 2007

  
Maria Capitan